

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BRENDA K. FITZWATER,

Plaintiff,

v.

CIVIL ACTION NO. 2:07CV46

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

ORDER

On June 8, 2007, the plaintiff, Brenda K. Fitzwater, by Susan Kipp McLaughlin and Regina L. Carpenter, her attorneys, filed a Complaint in this matter. On September 11, 2007, Defendant filed her Answer to the Complaint, as well as a copy of the Transcript of the Administrative Proceedings.

On October 9, 2007, Plaintiff filed a "Motion for Complete Transcript" [Docket Entry 9].

On October 16, 2007, the undersigned United States Magistrate Judge entered an Order Denying Plaintiff's Motion [Docket Entry 10]. A review of the docket shows there have been no subsequent filings. Local Rule of Civil Procedure 83.12 provides:

Within thirty days after the defendant has filed an answer and a complete copy of the administrative record, the plaintiff shall file a brief in support of his or her claim(s) for relief. The plaintiff shall serve copies of his or her brief upon the United States Attorney's Office.

Plaintiff's Motion for Summary Judgment was therefore due, at the latest, on or before November 15, 2007, thirty days from entry of the Order. No such Motion has been filed as of this date. It is therefore **ORDERED** that:

Plaintiff shall file her Motion, if any, and brief in support of her motion within thirty (30) days of entry of this Order. Failure to do so will result in the undersigned entering a Report and Recommendation recommending to the District Judge that this case be dismissed.

The Clerk is directed to send a certified copy of this Order to counsel of record.

DATED: December 7, 2007.

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE